

### REMARKS

This application has been reviewed in light of the Office Action dated December 8, 2003. Claims 1-16 and 18-45 are now presented for examination. Claims 44 and 45 have been added to provide Applicants with a more complete scope of protection. Claims 1, 14, 18 and 31 are in independent form. Favorable reconsideration is requested.

Applicants note with appreciation the allowance of Claims 1-16 and the indication that Claims 20, 23, 26-28, 33, 36 and 38-41 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. The latter claims have not been so rewritten because, for the reasons given below, their base claims are believed to be allowable.

Claims 18, 19, 21, 22, 24, 25, 31, 32, 34, 35, 37 and 38, and Claims 29, 30, 42 and 43 (insofar as dependent from any of Claims 18, 19, 21, 22, 24, 25, 31, 32, 34, 35, 37 and 38), were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 4,355,859 (Herloski et al.) in view of Japanese Kokai 11-064759 A (Toyoda).

Independent Claim 18 is directed to an optical scanning apparatus that comprises a laser unit having a laser source and an optical element configured to emit a substantially parallel beam of light, and an incident optical system that is arranged to direct the light beam emerging from the laser unit to strike an optical deflector, while maintaining a width of the light beam wider than a width of a deflecting surface of the optical deflector in a main scanning direction. Also provided is an imaging optical system for forming the light beam deflected by the optical deflector into an image on a

scanned surface. Also, according to Claim 18, the laser unit is adapted to be shifted in a predetermined direction with respect to an optical axis of the incident optical system.

Applicants have carefully studied the outstanding rejection of Claim 18, and the prior art, but find themselves unable to agree with the Examiner's reading of the prior art relied upon in support of that rejection. The Office Action interprets the arrow in Fig. 3 of *Herloski* as meaning that a shift is performed. Applicants believe that this is a misapprehension of the *Herloski* disclosure, that that arrow actually denotes a tilting, not a shifting, as recited in Claim 18.<sup>1/</sup> *Herloski* describes that it is intended to "permit rotations of laser assembly 15" (col. 5, lines 15-19). Since what is intended are thus rotations and not translations of the assembly, the application of *Herloski* in the Office Action is believed clearly to be erroneous. Moreover, a thorough review of *Herloski* has failed to reveal any other disclosure that would teach or suggest that the laser unit is adapted to be shifted in a predetermined direction.

In the laser adjusting mechanism of the *Herloski* system, the irradiation direction 25 of the laser 22 is put back to be coincident with the optical axis of the laser if the latter is tilted, in order to coincide with the optical axis O of the condenser lens 67 with the irradiation direction 25 of the laser 22 as shown in Fig. 4. In other words, the *Herloski* system corresponds to Fig. 3B of the present application, and thus to the prior art that formed the starting point for Applicants, as discussed at page 2, line 22, to page 3, line 9, of the present specification. For these reasons, it is believed to be clear that Claim 18 is

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<sup>1/</sup> While Applicants believe that the current language of Claims 18 and 31 distinguishes over *Herloski* for the reason mentioned, new Claim 44, dependent from Claim 18, recites even more expressly that the shift called for includes a translational component.

allowable over *Herloski*, taken alone. Moreover, even if *Toyoda* is deemed to show all that it is cited for, that would not supply what is missing from *Herloski* as a reference against Claim 18 (even assuming for argument's sake that the proposed combination of these references would be a proper one).

Independent Claim 18 is a method claim corresponding to apparatus Claim 18, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 18.

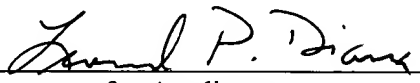
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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